PT 13-99

G. R. S. IX-5]

Previous references.

(1897-98)
191— .
(L.R.)

File No. 61-97

Serial Nos. ~~1-8~~ 1-7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

In Part B for July 1899

SUBJECT.

Appeal of Bala re. Salaries of Sessions Magistrates in Jamkhandi &c

Indexed.

W D 1250—GPB—30,000 28-1-19

LR 61-97-1

1898 (1)

Sealed

Appeal against the order of the Dy Comr dated 6-1-98 rejecting the petn. Appeal not being in proper form and stamped duly stamped thereon.

20/1/98

1) Stamp deficient
2) Order time
3) appeal against Dy Comr's order rejecting petr's appeal as not properly drawn up & insufficiently stamped

Stamped

No.	1769 MSN 98-97
Name of Petitioner	Obali
Village	Settihally
Taluk	Maddagire
District	Tumkur
Date of Arzi	5-1-98
Date of Receipt	6-1-98
Date of Disposal	
No. of Enclosure	4

The petr himself seems to be responsible for the position in which he finds himself. The Govt Comr dismissed the suit for recovery of the assessments as the petr was examined by the Mint authorities & declared that he was in possession of the Mint when in receipt of the assessments. However a plaint in regard to the alleged obstruction, the Dy Comr assumes that the petr is not actually doing the duties

(The file regarding the procedure to be followed in dealing with cases under Sec 22 (1) (a) of the Coinage Act 1906 may be perused)

Dy Commr

24/1/98

ABSTRACT

The case, No. 1769 dated 5-1-98, of the Deputy Commissioner of Tumkur, appealed against Tumkur

of the plaint is not drawn up in the prescribed form & insufficiently stamped, the petition is rejected."

In the matter of the appellant petition to the Deputy Commissioner of Maddagire Taluk, praying that Gerrida & others who have been offering him obstruction at the instigation of the Sirdar & others in the Carpet, Cotton

of his Talarike duties, may be directed not to interfere with his, the Dy Comm's. decision and the Amildar's decision and demanded additional clause and a regular plaint for Enquiry into the case, which is illegal on the following grounds-

(1) That the procedure of the Amildar, in holding an ordinary Enquiry under Sect 205 of the Land Rev: Code with a view to prevent Gerasdars others from interfering with the appellant while on duty, was not incorrect in so much as the appellant did not claim any relief to establish his title for his Talarike office under para 3 of Sect. 43 of Mysore Land Rev: Rules-

(2) That the finding of the Dy Comm's, that the interference of the Amildar in the matter was officious & uncalled for, is not substantiated by either authority or reason since the right & title of the appellant was established in a legal suit by the Appellate Court

) The decision of Talarike Duties was not the matter in dispute in this suit

(3) That the order of the Dy Comm's, in asking that the Amildar

2/ had no jurisdiction to
hear the appellant's [illegible]
and grant him relief by
directing Gerrobia & others
not to interfere with him
while on duty, does not hold
good since the Chief Clerk
did not exercise any [illegible]
powers—
(4) That the refusal of the
Minister, to accept the
appellant's petition and
grant him the same
redress as a competent
authority on the ground that
it was insufficiently stamped
& improperly drawn up,
is illegal—

Under the circumstances
I pray that the entire
records may be perused
& equitable orders passed

19/1/98

No. 1769

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
RECD. NO. 1769
DATE 6-1-95

Mysore Residency
Jun 4 1895
C. I. P.

ਸਾਰੇ ਸਾਰੇ ਸਾਰੇ

Ret
250

2-2-98

(2)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

Po
2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 1769 dated 5-1-98 received at the Dewan's Office from Ghali of Settikolly village in the Madagiri Taluk appealing against the order passed by Asst. Commr Dist rejecting petr's appeal in the matter of his complaint against Yerooke and others of obstructing petr in the discharge of his Talawarike duties.

A.R 61-97-2

is forwarded, together with its four enclosures, to the Deputy Commissioner of the Tumkur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

~~Chief~~ Secretary.

BANGALORE,
1/21/2 1898

28/1/98

M.G.C.P.B.—25-4-95—1,000

LR 61-97-3

Subd to Rev Commissioner

EW2 attached

24/5/98

7675

Docket put up

Blue 6/9

Central Serial No. 304
Gl. No. 8342
MAY 16 1898
No 635 184
REVENUE DEPARTMENT
DEWAN'S OFFICE

From The Deputy Commissioner
Tumkur District.

To The Secretary to the
Government Revenue Department.

Dated 12th May 1898.
Despatched 13th "
Received 14th "

Enclosures No. 2 Petitions.
Disposed of separately.

General No. 1011.
No.

With reference to Govt.
Order No. 950 dated 2nd February 1898.

I beg forwarding herewith
the petitions of Subbaraya
Gowda of Kottigihalli in
the Gubbi Taluk

Rev 16/5/98

Subd
MK
19.5.98

Central Jail Press, Bangalore.—6-3-97.—10,002.

9 1011

Encl: 2 files
Sheets separately

Deputy Commissioner's office
Tumkur District.
Tumkur 11th May 1898.

The Secretary to the Government of
Mysore, General and Revenue
Departments.

Sir,

With reference to your official memo
No. Petition 950 dated 17th February 1898 forward-
-ing for report a petition from Jaluvarchalli
of Gollahalli in the Maddagiri Taluk in
re the Jalavariki office of the village;
I have the honor to submit herewith the
entire record of the case and to state that
the petitioner brought a regular suit in
1895 in the General Assistant Commissioner's
Court, claiming the registry in his name
of the office of Jaluri of Gollahalli and other
villages. The suit was dismissed for want of
cause of action as the Plaintiff admitted
that he was then performing the Jaluri
duties and receiving Miras. There was
no appeal from this decision.

2. Six months after the said decision was
passed, petitioner Obali presented a petition
to the Amildar of the Taluk complaining
that Defendants Gerrolu and others

were

were obstructing him in the discharge of his duties as Talukdar, whereupon, by an order dated the 5th July 1877, acting Huildar of Varacoda duly directed that the Defendants Yerroba and others should not interfere with the petitioner and referred them to a regular suit.

3. The Defendants' contention in the suit before the General Assistant Commissioner being that petitioner was not a Hakdar to the office, the above mentioned order of the acting Huildar had the effect of operating as a decree in petitioner's favor On the appeal of Defendant Yerroba, therefore, I held that it was beyond the province of the acting Huildar to pass an order in favour of petitioner in the face of the Assistant Commissioner's decree dismissing his suit for the Talari office in dispute and accordingly cancelled the said order.

4. Petitioner Ali applied to me on the 4th January 1878 representing that Yerroba and others were disturbing him in the enjoyment of the office in question and praying that an order should be passed enjoining them not to do so. This was virtually a petition

for

for the declaration of his right to the office which could only be obtained by a decision in a regular suit. The Plaint petition was not written in the form of a plaint and was not properly stamped, it was returned to him.

5. Petitioner filed prayer for an injunction to the defendants Yerroba and others not to disturb him in the performance of his duties in vague and meaningless. If he wants a declaration of his right to the office as against these persons, he should obtain it by a regular suit.

6. The Petition under reference is herewith returned with its enclosures.

I have the honor to be
Sir,
Your most obedient Servant.
W. Macaw Rao
Deputy Commissioner

1898

4

From The Secy to the Govt of Singore

To The Deputy Commr Tumkur District

LR 61-97-4

Dated 8th Sept. 1898.

Despatched 9"

Received

General No. 1886. P

P. No. 184

Enclosure No.

His letter No. 311, 12th Decr. 1897, reporting on the petition of Sabar Biah of Settikalli in the Pavagada Taluk.

With reference to the above has the honour to request that the Dy-Commr will be so good as to ascertain and furnish early with the area actually of the Talari office in possession and enjoyment which the former incumbent of 1895 were brought. Records are returned herewith

Sd Bowring

For Secy

G

Draft Bbn 6/9.

x 23-5-1898 B Yoz

8-9-98

REVENUE DEPARTMENT
Gl. No. 4620
IN 31 98
DEMANDS OFFICE

From

The Deputy Commissioner,
Tumkur District

To
The Secretary to the Govt
of Mysore, Genl & Rev. Depts.

Dated 26th January 1899

Despatched 28th —do—

Received

General No. 467.
No.

LR 61-97-5

Enclosure No. 2 Vern. files
Hirdodetic 1336 of 9th September 1898
Col 184 01

Resubmits with
his opinion papers relating
to the Talari office of
Settihalli and other villages
in the Maddagiri Taluk

Refer
30-1-99

read
31/1

Records not checked:
Checking clerk is on leave
Refer put up

MK
31/1/99

Deputy Commissioner's Office,
Tumkur District.

No 467

Rec: 2 Vol. Dated Tumkur 26th January 1897.

To

The Secretary to the Government
of Mysore, General and Revenue
Departments.

Sir,

With reference to your docket
No 184 dated 9th September 1896, en-
Pet. 184
quiring who was in actual possession
and enjoyment of the Thalari office
of Settihalli and other villages in the
Maddagiri Taluk whom petitioner
Obali brought a regular revenue
Suit in respect of it - In 1895, I
have the honor to submit the de-
positions of the Patels of the villages
in question from which it will be
seen that in 1895 - Petitioner Obali
was performing the duties of Talari

A

of the villages of Settihalli, Mara-
-banahalli, Veeranagaanahalli, Pujari-
-halli and Jodi Veerannahalli, while
the defendant Yercoba was holding
a similar office in Puttenahalli. The
statement of the Patel of the former
set of villages to the effect that
Petitioner Obali was doing the duties
of Talari in Puttenahalli also is not
entitled to credit, as he is not the
Patel of that village and is not there-
-fore in a position to speak with
authority on the point.

2. The records received with
the docket under reply are here-
-with retransmitted for reference.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner

LR 61-97-6

Read:-

Petition No. 1769 of 1898-99 received from Hadi of Attock Khattak village in the Peshawar District, appealing against the order of Jemadar Tandia, A.C., rejecting his prayer for an [illegible] to defer recruit not to disturb him in the performance of his duties as Zaildar

(2) Letters Nos 1011 S 12-5-99 and 1017 S 26-1-99 from the Jemadar Tandia A.C.

(3) Records of the case

Order

In accordance with the evidence taken by the Jemadar as noted in his proceedings, the order, the application was rejected of the alternative

of five out of six villages
in dispute. His possession
and enjoyment with regard
to the said five villages
was not disturbed for ~~a~~ [illegible]
3. With regard to the village
of Pattencheri, the enquiry
was defective. The Dy.
Comm^r was not satisfied
with the evidence of the Ryots
of other villages that the appt
was in possession and enjoy-
ment of the Jaliavarthe of this
village also, additional
evidence ~~would~~ should have been
taken and the parties of the
villages ~~in question~~ examined.
Dy Comm^r is now requested
to cause the necessary enquiry
to be made and to pass
an order recognizing the
persons ~~entitled~~ entitled to the office in question
in question

× Enter Settichalli
Maruhachalli
Karinagavalli
Puyavichalli
Jodi Karavichalli

~~Let the Dy Comm^r be directed to~~
~~enquire into the~~
~~claim of the appt to~~
~~the Thandal Inam~~

Sd/ Repeated as directed
in Reform Ref. Jeraba Vol. 5
Jaliavar of the Village

Draft
C, C2

Secretary

Dy Comm^r Tanjore
Dft with records

CR 61-97-6

(7)

Proc. of the Court of Judicature

Appeal
Civil
No. Receipt
Yerroba District

Read :-

Petition No. 176a/a87 of 1898-99 received from Odili of Setiniaili village in the Madagiri district, appealing against the order of the Assistant Court Magistrate Dist., rejecting his prayer for an order directing respondent not to obstruct him in the performance of his duties as Talwar

(2) Letters Nos. 11 & 12-5-98 and 467 & 26-1-99 from the Asst. Court Magistrate Dist.

(& Exhibits)

(3) Records of the case

Order 969-76. 29/1/99
27 13 of 99.

The order of the Asst. Court Magistrate, rejecting appellant's petition, dated 4th January 1899, on the ground that it was in the nature of a suit and as such was neither properly framed nor stamped, cannot, in the opinion of this Court, be supported. If petition was insufficiently stamped or required amendment the petitioner should have been required to make the necessary amendments or to put in additional stamps within a given time. The summary

Re Dispt. for Appt.
Ref. to 1st Committee
Dy 17/7/99

Rec. Sofia
18.7.99.

Appt
Cl.
17/7/99

11758

Returned by
my Collector
for appeal
Appt
17/7/99

(8)

Ref. to 2nd Committee
Dy 18/7/99

Issued as
applied for
Appt
21/7/99

Person called
not up
28/7 Sent

Ref. to
1st Committee
Dy 22/7/99

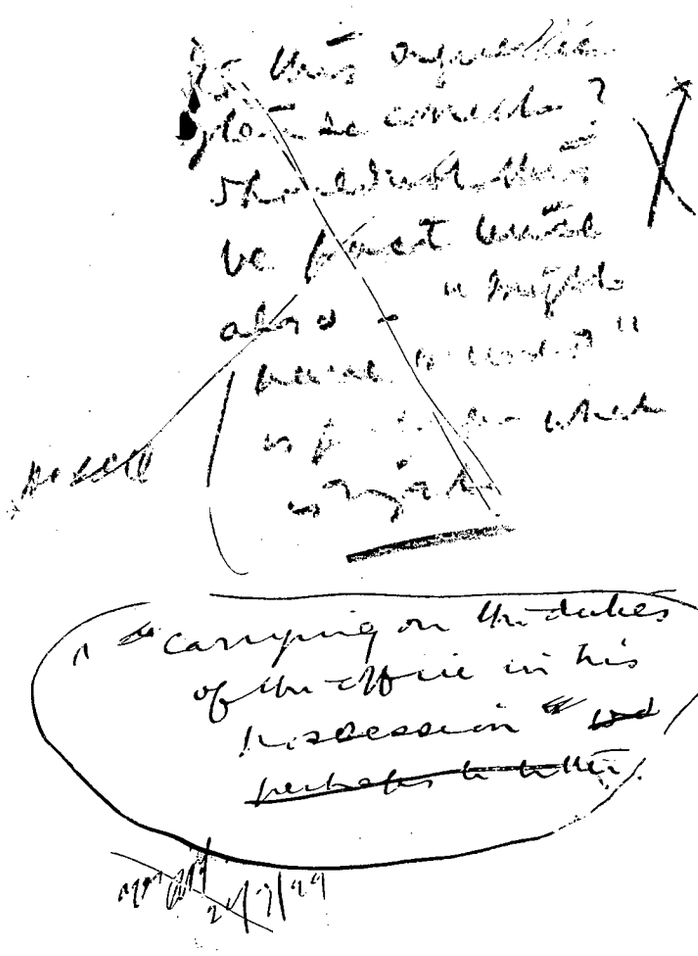
11817

Returned
not up
or other
Appt
24/7.99

Returned
Appt
28/7

23-7-99

rejection of the petition on the grounds set forth by the Dy Governor was illegal. Moreover, a perusal of the petition shows that there was no claim for possession of the Salvarible or any emolluments of the office. All that petitioner complained of was that as he was actually in possession and enjoyment of the office ~~recognized by Govt~~ and no Receipt, in collusion with the Brandeburg and Smithers, were giving him trouble and hindering or obstructing him in the regular performance of his duties, they should be enjoined ~~from~~ not to interfering with the discharge of his official duties. This complaint cannot be regarded as a plaint or suit. It is an ordinary miscellaneous application by a public servant to his official Superior for protection and support in the discharge of his duties and the Dy Governor was bound to enquire into it and



to pass such order as to him might seem just and proper.

As a servant of the State of Jaipur, who is recognised as such and is actually officiating, has a right to expect to receive from the Sessions every support in (~~enforcing his possession~~ of his office)

2. According to the evidence taken by the Sessions Judge this appellant is in actual possession and enjoyment of the talukaris of four villages in dispute. His possession and enjoyment with regard to the said five villages cannot be disturbed by Respts

3. As with regard to the village of Pattenahalli, the enquiry was defective. If the Asst Commr was not satisfied with the evidence of the Patel of other villages, that the appt was the officiating

and are in possession and enjoyment of the Tenements of this village also, additional evidence ought to have been taken to remove any doubt on the point. The Petitioner is now requested to cause the necessary enquiry to be made and to pass an order recognizing the person now actually in possession of the office in question to continue in it until ousted by ~~a decree or~~ order of a competent ~~tribunal~~ authority

Secretary

Recorded
C, R2
9/7/99

comp
Abn

To Petitioner's Counsel
Dist: with the records
By Command of Hon'ble Board

+ 23-37 Rev 88
29/7/99

I would omit the "a"
decree of "a substitute
" an "
and substitute
" authority " for
" tribunal "
I do not consider
it necessary to refer
to any case.
21.7.99

Hon'ble
Secy. Board
22.7.99

1899-1900

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 29th July 1899

No. 969-76 / Pet.F. 13-99

Passing orders on the appeal of Obali of Settihalli village, Maddagiri taluk, against the Deputy Commissioner's order rejecting his prayer for an order directing respondents (Yerroba and others) not to disturb him in the performance of his duties as talvar.

SBP—8-8-99—200

Appellant.		*Respondents.*
Obali.	*versus*	Yerroba and others.

READ—

Petition No. 1767—A. S. 7 of 1898-99, received from Obali of Settihalli village in the Maddagiri taluk, appealing against the order of the Deputy Commissioner, Tumkur district, rejecting his prayer for an order directing respondents not to disturb him in the performance of his duties as talvar.

(2) Letters Nos. 1011, dated 12th May 1898 and 467, dated 26th January 1899, from the Deputy Commissioner, Tumkur district.

With reference to your docket No. 1886—Pet. 184, dated 9th September 1898, enquiring who was in actual possession and enjoyment of the talari office of Settihalli and other villages in the Maddagiri taluk, when petitioner Obali brought a regular Revenue suit in respect of it in 1895, I have the honor to submit the depositions of the patels of the villages in question from which it will be seen that in 1895, petitioner Obali was performing the duties of talari of the villages of Settihalli, Marabanahalli, Viranaganahalli, Pujarihalli and Jodi Virannahalli, while the defendant Yerroba was holding a similar office in Puttenahalli. The statement of the patel of the former set of villages to the effect that petitioner Obali was doing the duties of talari in Puttenahalli also is not entitled to credit, as he is not the patel of that village and is not therefore in a position to speak with authority on the point.

2. The records received with the docket under reply are herewith re-transmitted for reference.

With reference to your official Memo No. Pet.—950, dated 1st February 1898, forwarding for report a petition from talvar Obali of Settihalli in the Maddagiri taluk *in re* the talavarike office of that village, I have the honor to submit herewith the entire record of the case and to state that the petitioner brought a regular suit in 1895 in the General Assistant Commissioner's Court, claiming the registry in his name of the office of talari of Settihalli and other villages. The suit was dismissed for want of cause of action as the plaintiff admitted that he was then performing the talari duties and receiving mirasi. There was no appeal from this decision.

2. Six months after the said decision was passed, petitioner Obali presented a petition to the Amildar of the taluk complaining that defendants Yerroba and others were obstructing him in the discharge of his duties as talvar, whereupon, by an order, dated the 5th July 1897, acting Amildar Vasudeva Rao directed that the defendants Yerroba and others should not interfere with the petitioner and referred them to a regular suit.

3. The defendants' contention in the suit before the General Assistant Commissioner being that petitioner was not a hakdar to the office, the abovementioned order of the acting Amildar had the effect of operating as a decree in petitioner's favor. On the appeal of defendant Yerroba, therefore, I held that it was beyond the province of the acting Amildar to pass an order in favor of petitioner in the face of the Assistant Commissioner's decree dismissing his suit for the talari office in dispute and accordingly cancelled the said order.

4. Petitioner Obali applied to me on the 4th January 1898, representing that Yerroba and others were disturbing him in the enjoyment of the office in question and praying that an order should be passed enjoining them not to do so. This was virtually a petition for the declaration of his right to the office which could only be obtained by a decision in a regular suit. As Obali's petition was not written in the form of a plaint and was not properly stamped, it was returned to him.

5. Petitioner Obali's prayer for an injunction to the defendants Yerroba and others not to disturb him in the performance of his duties is vague and meaningless. If he wants a declaration of his right to the office as against these persons, he should obtain it by a regular suit.

6. The petition under reference is herewith returned with its enclosures.

(3) Records of the case.

No. 969-76—PET. F. 13-99, DATED BANGALORE, 29TH JULY 1899.

ORDER THEREON.—The order of the Deputy Commissioner, rejecting appellant's petition, dated 4th January 1898, on the ground that it was in the nature of a suit and as such was neither properly framed nor stamped, cannot, in the opinion of Government, be supported. If petition was insufficiently stamped or required amendment, the petitioner should have been required to make the necessary amendments or to put in additional stamps within a given time. The summary rejection of the petition on the grounds set forth by the Deputy Commissioner was illegal. Moreover, a perusal of the petition shows that there was no claim for possession of the talavarike or of any emoluments of the office. All that petitioner complained of was that as he was actually in possession and enjoyment of the office, and as respondents, in collusion with the shanbhog and shekdar, were giving him trouble and hindering or obstructing him in the regular performance of his duties, they should be enjoined not to interfere with the discharge of his official duties. This complaint cannot be regarded as a plaint or suit. It is an ordinary miscellaneous application by a public servant to his official superior for protection and support in the discharge of his duties, and the Deputy Commissioner was bound to enquire into it and to pass such order as to him might have seemed just and proper. As a servant of the State, a talvar, who is recognised as such and is actually officiating, has a right to expect to receive from the Deputy Commissioner every support in carrying on the duties of the office in his possession.

2. According to the evidence taken by the Deputy Commissioner or under his orders, it is quite evident that appellant is in actual possession and enjoyment of the talavarike of five *out of six villages in dispute. His possession and enjoyment with regard to the said five villages cannot be disturbed by respondents.

*1 Settihalli.
2 Marabanahalli.
3 Viranaganhalli.
4 Pujarihalli.
5 Jodi Viranhalli.

3. With regard to the village of Puttenahalli, the enquiry was defective. If the Deputy Commissioner was not satisfied with the evidence of the patel of other villages that the appellant was the officiator and was in possession and enjoyment of the talavarike of this village also, additional evidence ought to have been taken to remove any doubt on the point. The Deputy Commissioner is now requested to cause the necessary enquiry to be made and to pass an order recognizing the person now actually in possession of the office in question and permitting him to continue in it until ousted by an order of a competent authority.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Tumkur District, with records.
The Deputy Commissioners of other Districts.

LR 61-97-98

29-7-99

(1) (2) (3) (4)

ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ಮಾತನಾಡಿದ ಅವರು ಕೃಷಿ ಕ್ಷೇತ್ರದಲ್ಲಿ ಆಗುತ್ತಿರುವ ಬದಲಾವಣೆಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡಿದರು. ಸಾವಯವ ಕೃಷಿಯ ಮಹತ್ವ, ಮಣ್ಣಿನ ಫಲವತ್ತತೆ ಕಾಪಾಡಿಕೊಳ್ಳುವ ವಿಧಾನಗಳು ಮತ್ತು ಕಡಿಮೆ ಖರ್ಚಿನಲ್ಲಿ ಹೆಚ್ಚು ಲಾಭ ಪಡೆಯುವ ಮಾರ್ಗೋಪಾಯಗಳ ಕುರಿತು ಅವರು ವಿವರವಾಗಿ ತಿಳಿಸಿಕೊಟ್ಟರು.

ಸಮಾರಂಭದಲ್ಲಿ ಹಿರಿಯ ಕೃಷಿಕರಾದ ಶ್ರೀ ಚನ್ನಬಸಪ್ಪ ಹಿರೇಮಠ ಅವರನ್ನು ಸನ್ಮಾನಿಸಲಾಯಿತು. ಅವರು ತಮ್ಮ ಅನುಭವದ ಆಧಾರದ ಮೇಲೆ ಯುವ ರೈತರಿಗೆ ಕೆಲವು ಸಲಹೆಗಳನ್ನು ನೀಡಿದರು. ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ಸುಮಾರು ಮುನ್ನೂರಕ್ಕೂ ಹೆಚ್ಚು ರೈತರು ಭಾಗವಹಿಸಿದ್ದರು.

ಕಾರ್ಯಕ್ರಮದ ಕೊನೆಯಲ್ಲಿ ಸಹಾಯಕ ಕೃಷಿ ನಿರ್ದೇಶಕರಾದ ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮಿ ಅವರು ವಂದನಾರ್ಪಣೆ ಸಲ್ಲಿಸಿದರು. ಕೃಷಿ ಇಲಾಖೆಯ ಸಿಬ್ಬಂದಿ ಮತ್ತು ಸ್ಥಳೀಯ ಪ್ರಗತಿಪರ ರೈತರು ಕಾರ್ಯಕ್ರಮದ ಯಶಸ್ಸಿಗೆ ಸಹಕರಿಸಿದರು. ಮಧ್ಯಾಹ್ನ ಎಲ್ಲರಿಗೂ ಸಾಮೂಹಿಕ ಭೋಜನದ ವ್ಯವಸ್ಥೆ ಮಾಡಲಾಗಿತ್ತು.

(ಸ) ಪತ್ರಿಕಾ ವರದಿಗಾರರು – ಈ ಸಾಲು ಅಳಿಸಲಾಗಿದೆ

Secretary

Secretary

20

29/2/96